

68th MEETING
OF THE
MARYLAND HEALTH CARE COMMISSION

Via Teleconference

Thursday, February 10, 2005

Minutes

Chairman Salamon called the meeting to order at 10:15 a.m.

Commissioners present: Ginsburg, Moffit, Moore, Nicolay, Risher, Row, and Wilensky

ITEM 1.

ITEM 2.

Chairman Salamon said that the purpose of the meeting was to discuss legislation that directly affects the Commission. He then asked Enrique Martinez-Vidal, Deputy Director of Performance and Benefits, for an overview of the bill to be discussed.

Enrique Martinez-Vidal stated that SB 269 “Health – Maryland Health Care Commission – Membership” is a bill that specifies that the Governor shall assure that each county, including Baltimore City, with a population of over 250,000 is represented by at least one of its residents as a member on the Commission. He noted that SB 269 also would require the membership of the Commission to include racial, ethnic and gender diversity. Mr. Martinez-Vidal stated that current law requires that the Governor promote geographic and racial diversity and that staff recommends supporting this section of the bill that promotes diversity of the Commission membership to assure geographic balance and racial diversity. However, staff recommends amending SB 269 by striking the section that specifies that the Governor shall assure that each county with a population over 250,000 is represented by at least one of its residents as a member of the Commission. Mr. Martinez-Vidal said that the language referencing Commission representation by counties with over 250,000 residents is too prescriptive and could limit representation of small jurisdictions.

Commission Moffit stated that he opposed this bill because he feels it would weaken the credibility of the Governor. He said that the Governor should have the freedom to appoint someone to the Commission, who will make independent decisions, with the most knowledge, skills, and abilities.

Commissioner Moore stated that this bill includes two separate issues and that he supports the section relation to promoting racial, ethnic and gender diversity. However, he also stated that he opposes the section that requires representation by counties with over 250,000 residents.

Commissioner Row asked Suellen Wideman, Assistant Attorney General, how this bill compares to the Health Services Cost Review Commission's (HSCRC's) membership. Ms. Wideman indicated that she would have to review the HSCRC's statute.

Commissioner Ginsburg said that it is very important to make sure that everyone is represented and that he supports that section of the bill which promotes diversity of the Commission, however, does not support the section in relation to requiring the membership of the Commission to include a representative from each county with a population of over 250,000 residents.

Commissioner Row made a motion to approve staff recommendations to support with amendment SB 269. Commissioner Ginsburg seconded the motion. Following discussion, the Commissioners voted on the staff recommendations. Commissioners in favor of supporting SB 269 with an amendment striking the section assuring that each county with a population over 250,000 be represented as a member on the Commission including: Commissioners Ginsburg, Moore, Nicolay, Risher, Row, Vice Chair Wilensky, and Chairman Salamon. Commissioner Moffit voted against supporting SB 269.

ACTION: The Commission staff was directed by Chairman Salamon to draft testimony recommending the views of the Commission in Supporting with Amendment on SB 269.

Mr. Martinez-Vidal said that the next bill to be discussed is SB 723 "Pharmacies - Posting of Prescription Drug Prices and Health Benefit Plan Participation. This bill is requires a pharmacy to post, in a prominent location, the pharmacy's prices for prescription drugs for the top 30 most commonly used prescription drugs. These drugs are also listed on the website of the Attorney General. This bill also requires that a list of the health benefit plans in which the pharmacy participates be posted in a prominent location.

Staff recommends that no position be taken on this bill, however recommends that a letter of information be submitted referencing the Commission's Affordability Study.

Commissioner Nicolay made a motion to approve staff recommendations to send a letter of information to the Senate Finance Committee, which was seconded by Commissioner Ginsburg, and unanimously approved.

ACTION: Chairman Salamon directed the staff to submit a letter of information, referencing the Commission's Affordability Study, to the Senate Finance Committee.

The bill to be discussed in HB 426, cross-filed bill SB 231. This bill exempts from certificate of need, the establishment of a separate satellite emergency department of an acute care general hospital if the satellite emergency department location is established by, and will operate administratively as part of, an acute care general hospital. The acute care general hospital is part of a merged asset system with all of its existing Maryland acute care general hospitals location in a single jurisdiction. The satellite emergency department location will operate in the same jurisdiction. One of more of the existing acute care general hospitals in the merged asset system has an emergency department volume of 75,000 or more visits for the 12 months ending June 30, 2004; there are not more than five acute care general hospitals in the jurisdiction; and the capital expenditure to implement the satellite emergency department location meets certain requirements in statute.

Enrique Martinez-Vidal stated that this could be a very controversial bill which would overturn the Commission's previous decision for an establishment of a satellite emergency department. He asked Pam Barclay, Interim Executive Director, to discuss the implications of this bill. Ms. Barclay stated that this bill is crafted to establish only one merged asset system and doesn't specify only one emergency department satellite to be developed.

Commissioner Nicolay said that the Commission as developed a CON Task Force to look at the entire CON process. He indicated that it would not be appropriate to by-pass the system by introducing legislation. Commissioner Nicolay added that this legislation could also jeopardize the rate setting structure and further complicate the CON issues. He indicated that the Health Services Cost Review Commission should analyze a potential rate for satellite care. Commissioner Nicolay noted that he supports staff recommendation to oppose this bill.

Commissioner Row said this bill could add rate and capital cost increases, as well as impact the Medicare Waiver. Commissioner Row suggested that the Health Services Cost Review Commission should analyze a potential rate for satellite care centers. She supported staff's recommendation to oppose the bill.

Commissioner Moore pointed out that if this bill passes, it could encourage other hospitals to by-pass the CON process.

Commissioner Row made a motion to accept the staff's recommendation to oppose this bill, which was seconded by Commissioner Ginsburg, and unanimously approved.

ACTION: Chairman Salamon directed staff, along with Commissioner Row, to testify in opposition of the bill.

ITEM 3.

Adjournment

There being no further business, the meeting was adjourned at 10:50 a.m. upon motion of Commissioner Risher, which was seconded by Commissioner Row, and unanimously approved by the Commissioners.